

### **REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Applicants believe the pending application is in condition for allowance. Claims 1-14, 25, and 27 are now present in this application, of which claims 1, 11, and 27 are independent. By this amendment, claim 26 has been cancelled, without prejudice or disclaimer, and claims 1, 11, 14, 25, and 27 have been amended. Reconsideration of this application, as amended, is respectfully requested.

#### **Request for Withdrawal of Finality of Office Action**

The Office Action of February 17, 2010 sets forth a rejection based on 35 U.S.C. § 112, 1st paragraph, for a lack of written description of a controller. No other rejections are made. The new grounds of rejection were not necessitated by Applicants' Amendment of November 9, 2009 and the Examiner does not allege that the new grounds of rejection were necessitated by Amendment.

The controller was added to claim 11 and new claims 25 and 26 by the Amendment of October 6, 2008. At the time of that amendment, the lack of a written description of a controller was not raised by the Examiner. The addition of a controller to claims 1 and 27 in the response filed November 9, 2009 is not an amendment that now necessitated the new grounds of rejection based on a lack of written description.

In addition, the Office Action is incomplete. The Examiner failed to reject the claims over prior art. As the scope of the claims was clear, nothing prevented the Examiner from applying the prior art to the claims. Therefore, Applicants believe that overcoming the rejection based on written description overcomes the only rejection in the application and that Applicants' Amendment of November 9, 2009 overcame the rejections based on prior art for reasons other than the inclusion of a controller.

Accordingly, withdrawal of the finality of the previous Office Action, and a new Office Action on the merits with respect to claims 1-14, 25, and 27, are respectfully requested.

**Reasons for Entry of Amendments**

If the finality of the current Office Action is not withdrawn, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by placing the claims in compliance with 35 U.S.C. § 112, 1st Paragraph.

This Amendment was not presented at an earlier date in view of the fact that Applicants did not fully appreciate the Examiner's position until the current Office Action was reviewed.

**Rejection under 35 U.S.C. § 112, 1st Paragraph**

Claims 1-14 and 25-27 stand rejected under 35 U.S.C. § 112, 1st Paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, Applicants have amended claim 1, 11, 14, 25, and 27 to remove reference to the controller.

Applicants respectfully submit that the claims, as amended, comply with written description requirements of 35 U.S.C § 112, 1st paragraph. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad D. Wells, Registration No. 50,875, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: June 17, 2010

Respectfully submitted,

CDW

By  #40193

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